



O I P E J C I S  
AUG 08 2001  
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WASHINGTON, D.C. 20231  
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#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/801,089	03/08/2001	David R. Phillips	44481-5008-02

CONFIRMATION NO. 7657

009629  
MORGAN, LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON, DC 20036-5869

FORMALITIES LETTER



\*OC000000006051862\*

Date Mailed: 05/08/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/09/2001 BNGUYEN1 00000148 09801089

01 FC:101  
02 FC:103  
03 FC:102  
04 FC:105

710.00 OP  
36.00 OP  
80.00 OP  
130.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.

*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*

- Total additional claim fee(s) for this application is \$116.

- \$36 for 2 total claims over 20.
- \$80 for 1 independent claims over 3 .

- The oath or declaration is missing.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

- **The balance due by applicant is \$ 956.**

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such

request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

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*A copy of this notice **MUST** be returned with the reply.*

*DK*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT  
Attorney Docket No. 044481-5008-02-US

Sector 47  
A/F

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed May 8, 2001. A copy of the Notice to File Missing Parts of Nonprovisional Application is enclosed.
2. Declaration Or Oath. No declaration or oath was filed with the application. Enclosed is a copy of the Combined Declaration and Power of Attorney as filed in parent application Serial No. 08/734,607 filed October 18, 1996.
3. Fee Calculation.

Patent Application-\$710				\$710.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	22 - 20 =	2	\$18.00 each=	+36.00
Independent Claims	4 - 3 =	1	\$80.00 each=	+80.00
Multiple dependent claims, if any			\$270.00	+
Missing Parts Surcharge Fee			\$130.00	+130.00
			<b>SUB-TOTAL =</b>	<b>\$956.00</b>
			Reduction by 1/2 for filing by a small entity	-
			<b>TOTAL FILING FEE =</b>	<b>\$956.00</b>

08/09/2001 BNGUYEN1 00000148 09801089

05 FC:115

110.00 0P

1-WA/1655539.1

4. Extension of Time. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a one month extension of time, the extension fee of **\$110.00** as set out in 37 C.F.R. § 1.17(a)-(d). If an additional extension of time is required, please consider this a Petition therefor.

5. Fee Payment.

The total fee due is:	Completion Fees	\$956.00
	Extension Fee	<b><u>\$110.00</u></b>
	<b>Total Fees Due</b>	<b><u>\$1,066.00</u></b>

A check in the amount of **\$1,066.00** is enclosed for payment of the fees due as listed above. Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

6. Additional Paper Filed. Enclosed is Revocation of Original Power of Attorney and Grant of New Power of Attorney.

Dated: **August 8, 2001**  
Morgan, Lewis & Bockius LLP  
Customer No. 09629  
1800 M Street, N.W.  
Washington, D.C. 20036  
202-467-7000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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Lawrence J. Carroll, Ph.D.  
Registration No. 40,490